Declaring unopposed candidate elected and omitting candidate from the ballot

HB 1344 by Uresti (Van de Putte)

DIGEST:
HB 1344 would have authorized the certifying authority in a general or special election to declare a candidate elected to an office of a political subdivision, including a county, if the candidate was the only person who qualified to appear on the ballot for the office and there were no declared write-in candidates for the office. The election for that office would have not been held, and no votes would have been cast for that office or candidate. The office would have not have been listed on the ballot. If the certifying authority had declared an unopposed candidate elected, it would have had to declare elected every qualifying unopposed local candidate in that election. The declaration would have had to be posted during the early voting period and on election day at each applicable polling place. Candidates declared elected would have received a certificate of election, as if they had been elected by vote.

GOVERNOR'S REASON FOR VETO:
"House Bill No. 1344 would omit from the ballot any unopposed candidate. Under Sec. 2.053 of the Texas Election Code, an unopposed candidate for public office in a political subdivision may be declared elected without a vote. This bill, however, would eliminate the candidate's name from the ballot entirely, preventing voters from seeing the candidates and offices for which the election has been decided without a vote.

"The better practice is that prescribed in House Bill No. 1476 [by Truitt], which I have signed into law. House Bill No. 1476 permits unopposed candidates for state and county offices to be declared elected without a vote if no one is eligible to serve as a write-in candidate, but it continues to place the names of the unopposed candidates on the ballot so voters can see who was elected without a vote."

RESPONSE:
Rep. Carlos Uresti, author of HB 1344, was unavailable for comment. Sen. Leticia Van de Putte, the Senate sponsor, had no comment on the veto.

NOTES:
HB 1344 and HB 1476 were analyzed in the May 1 *Daily Floor Report*. HJR 62 by Truitt/Nelson, the proposed constitutional amendment for which HB 1476 is the enabling legislation, will be submitted to voters as Proposition 8 at an election on September 13, 2003. HJR 59 by Uresti/Van de Putte, the proposed constitutional amendment for which HB 1344 would have been the enabling legislation, will be submitted to voters as Proposition 18 at the same election. The latter proposition would not be implemented, even if approved by voters, because the governor vetoed the enabling legislation.